

## DECLARATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

### P27 AND P21 IN GENE THERAPIES

the specification of which (I authorize Choate, Hall & Stewart to check one of the following, three choices, and fill in the blanks, if applicable):

X is attached hereto

\_\_\_\_\_ was filed on \_\_\_\_\_ as Application  
Serial No. \_\_\_\_\_ and amended on \_\_\_\_\_ (if applicable).

\_\_\_\_\_ was filed as PCT international application No. \_\_\_\_\_,  
on \_\_\_\_\_ and was amended under PCT Article 19  
on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understood the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledged the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s):

Priority Claimed

(Number)	(Country)	(Day/Month/Year/Filed)	Yes	No
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(Number)	(Country)	(Day/Month/Year/Filed)	Yes	No
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I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or PCT international application(s) designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior

United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

<u>                    </u>	<u>                    </u>	<u>                    </u>
(Application Serial No.)	(filing date)	(status-patented, pending, abandoned)

<u>                    </u>	<u>                    </u>	<u>                    </u>
(Application Serial No.)	(filing date)	(status-patented, pending, abandoned)

PCT Applications designating the United States:

<u>                    </u>	<u>                    </u>	<u>                    </u>
(PCT Appl. No.)	(U.S.S.N.)	(status-patented, pending, abandoned)

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national filing date of this application.

Provisional Application(s):

<u>60/213,627</u>	<u>June 23, 2000</u>	<u>Pending</u>
Application Number	Filing Date	Status

<u>60/188,120</u>	<u>March 9, 2000</u>	<u>Pending</u>
Application Number	Filing Date	Status

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United State Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Full name of first inventor Scadden, David T.

Inventor's signature \_\_\_\_\_ Date: \_\_\_\_\_

Residence 62 Lexington Street, Weston, MA 02493, US

Citizenship US

Post Office Address Same

Full name of first inventor Cheng, Tao

Inventor's signature \_\_\_\_\_ Date: \_\_\_\_\_

Residence 20 Chandler Place, Newton, MA 02464, US

Citizenship US

Post Office Address Same

ATTORNEY'S DOCKET NUMBER: 0492479-0018

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Scadden *et al.*  
Serial No.:  
Filed: March 9, 2001  
For: P27 AND P21 IN GENE THERAPIES

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, DC 20231

Sir:

**ESTABLISHING RIGHT OF ASSIGNEE TO TAKE ACTION**  
**(37 CFR 3.73(b))**

The assignee of the entire right, title and interest of inventors to The General Hospital Corporation, hereby seeks to take action in the Patent and Trademark Office in the above matter.

Ownership by the assignee is established as follows:

\_\_\_\_\_ documents already recorded in the PTO on \_\_\_\_\_.

Reel \_\_\_\_\_ Frame \_\_\_\_\_; and

X documents separately submitted for recordal to the PTO (a copy of these documents is attached).

**STATEMENT**

I, a person authorized to sign on behalf of the assignee, have reviewed the evidentiary documents referred to above and certify that, to the best of my knowledge and belief, title is mine/ours as assignees who seek to take further action.

\_\_\_\_\_  
Signature of Authorized Person

\_\_\_\_\_  
Name of Authorized Person

\_\_\_\_\_  
Title of Authorized Person

ATTORNEY'S DOCKET NUMBER: 0492479-0018

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Scadden *et al.*

Examiner:

Serial No.:

Art Unit:

Filing Date: March 9, 2001

Title: P27 AND P21 IN GENE THERAPIES

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

**WRITTEN ASSERTION OF SMALL ENTITY STATUS**  
**UNDER 37 CFR §1.27(a)(3)**  
**NON-PROFIT ORGANIZATION**

The undersigned hereby asserts entitlement to small entity status as a non-profit organization under 37 CFR §1.27(a)(3) on behalf of The General Hospital Corporation.

This assertion is made on the ground that The General Hospital Corporation is either:

- (a) a university or other institution of higher education located in any country;
- (b) an organization of the type described in section 501(c)(3) of the Internal Revenue Code of 1986 (26 USC §501(c)(3)) and exempt from taxation under section 501(a) of the Internal Revenue Code (26 USC §501(a));
- (c) any nonprofit scientific or educational organization qualified under a nonprofit organization statute of a state of this country (35 USC §201(i)); or
- (d) any nonprofit organization, located in a foreign country, that would qualify as a nonprofit organization under paragraphs (b) or (c) above if it were located in this country,

and *has not* assigned, granted, conveyed, or licensed, and is under no obligation under contract or law to assign, grant, convey, or license, any rights in the above-referenced patent application to any party who does not qualify for small entity status either as a person, a small business concern, or a nonprofit organization under 37 CFR §1.27.

Respectfully Submitted,

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

ATTORNEY'S DOCKET NUMBER: 0492479-0018

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Scadden *et al.*  
Serial Number:  
Filed Date: March 9, 2001  
Title: P27 AND P21 IN GENE THERAPIES

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

Sir:

APPOINTMENT OF ATTORNEY

The undersigned hereby appoints Sam Pasternack, Registration No. 29,576;  
Brenda Herschbach Jarrell, Registration No. 39,223; Kevin M. Tormey, Registration No. 41,351;  
Karoline Shair, Registration No. 44,332; Elizabeth Nugent, Registration No. 43,839, Valarie B.  
Rosen, Registration No. 45,698; Anne Marie Dinius, Registration No. 45,592; Stanley C. Mah,  
Registration No. 46,189; C. Hunter Baker, Registration No. 46,533; Monica R. Gerber,  
Registration No. 46,724; Elijah Cocks, Registration No. P-47,499; and Mika Mayer, Registration  
No. P-47,777, as its attorneys and agents for prosecution of matters relating to the  
above-identified patent application and to conduct all business in the United States Patent and  
Trademark Office.

All correspondence should be sent to C. Hunter Baker, M.D., Ph.D., Choate, Hall &  
Stewart, Exchange Place, 53 State Street, Boston, Massachusetts 02109.

Respectfully submitted,

\_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
On behalf of \_\_\_\_\_

Dated: \_\_\_\_\_



**ATTORNEY'S DOCKET NUMBER: 0492479-0018**

**A S S I G N M E N T**

In consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the undersigned **David T. Scadden** of Weston, MA and **Tao Cheng** of Newton, MA; hereby

Sells, assigns and transfers to **The General Hospital Corporation**, having a place of business at **55 Fruit Street, Boston, MA 02114**, its successors, assigns and legal representatives, all hereinafter referred to as the ASSIGNEE, the entire right, title and interest for the United States and all foreign countries, in and to any and all inventions which are disclosed in the application for United States Letters Patent entitled "**P27 AND P21 IN GENE THERAPIES**" filed **March 9, 2001**, and given serial number **not assigned** in and to said application and all divisional, continuing, substitute, renewal, reissue and all other applications for Letters Patent which have been or shall be filed in the United States and all foreign countries on any of said inventions; and in and to all original and reissued patents which have been or shall be issued in the United States and all foreign countries on said inventions including the right to apply for patent rights in each foreign country and all rights to priority.

Agree that said ASSIGNEE may apply for and receive Letters Patent for said inventions in its own name; and when requested, without charge to but at the expense of said ASSIGNEE, agree to carry out in good faith the intent and purpose of this assignment by executing all divisional, continuing, substitute, renewal, reissue, and all other patent applications on any and all said inventions, by executing all rightful oaths, assignments, powers of attorney and other papers, by communicating to said ASSIGNEE all facts known to us relating to said inventions and the history thereof, and generally by doing everything possible which said ASSIGNEE shall consider desirable for aiding in securing and maintaining proper patent protection for said inventions and for vesting title to said inventions and all applications for patents and all patents on said inventions, in said ASSIGNEE.

Hereby request the Honorable Commissioner of Patents and Trademarks to issue said Letters Patent to said ASSIGNEE.

Covenant with said ASSIGNEE that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been made to others by us, and that full right to convey the same as herein expressed is possessed by us.

IN WITNESS WHEREOF, I hereto set my hand and seal at \_\_\_\_\_,  
\_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

\_\_\_\_\_  
**David T. Scadden**

STATE OF \_\_\_\_\_

SS.

COUNTY OF \_\_\_\_\_

Before me this \_\_\_\_\_ day of \_\_\_\_\_, 2001, personally appeared  
**David T. Scadden** known to me to be the person whose name of subscribed to the foregoing  
Assignment and acknowledged that he executed the same as his free act and deed for the  
purposes therein contained.

NOTARY PUBLIC

[Notary's Seal Here]

My Commission Expires:

IN WITNESS WHEREOF, I hereto set my hand and seal at \_\_\_\_\_,  
\_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

\_\_\_\_\_  
**Tao Cheng**

STATE OF \_\_\_\_\_

SS.

COUNTY OF \_\_\_\_\_

Before me this \_\_\_\_\_ day of \_\_\_\_\_, 2001, personally appeared  
**Tao Cheng** known to me to be the person whose name of subscribed to the foregoing  
Assignment and acknowledged that he executed the same as his free act and deed for the  
purposes therein contained.

NOTARY PUBLIC

[Notary's Seal Here]

My Commission Expires: